



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Group Art Unit: 1775

Applicant: Matthias Oechsner

Examiner: McNeil, Jennifer C.

Serial No.: 10/087,716

Atty. Dkt.: 01P05135US01

Filed: March 1, 2002

Title: THERMAL BARRIER COATING HAVING SUBSURFACE  
INCLUSIONS FOR IMPROVED THERMAL SHOCK RESISTANCE

Assistant Commissioner for Patents  
P.O. Box 1450  
Washington, DC 20231-450

RESPONSE UNDER 37 CFR 1.114

This amendment is in response to the final rejection contained in the Office communication dated 08/23/2004, and it is being filed concurrently with a Request for Continued Examination under 37 CFR 1.114. Entry of this amendment is requested prior to the reconsideration of the application under the Request for Continued Examination.

Please proceed to the next page.

11/30/2004 JADD01 00000010 10087716

02 FC:1201 88.00 DA  
03 FC:1202 108.00 DA

## **INTERVIEW SUMMARY**

A telephonic interview conducted on 19 October 2004 between Examiner Jennifer McNeil and the applicant's undersigned attorney.

No exhibit was shown and no demonstration was conducted.

The prior art discussed was United States patent 6,071,628 to Seals, et al.

The claims discussed were all of the rejected claims.

The undersigned attorney questioned why the Declaration of Ramesh Subramanian that was submitted by the applicant was found to be persuasive with regard to the Freling reference, but was found not to be persuasive with regard to the Seals reference, since the opinion of an expert such as Mr. Subramanian should satisfy the applicant's burden of proof. The opinion expressed by Mr. Subramanian with regard to the Freling reference was supported in the declaration by verifiable evidence in the form of a photomicrograph. No such verifiable evidence was provided to support the opinion expressed by Mr. Subramanian with regard to the Seals reference, and thus the Examiner found the opinion alone to be non-persuasive.

The undersigned attorney also questioned the value of 22 for the coefficient of thermal expansion that was relied upon by the Examiner, since a much lower value appears in the literature. The Examiner stated that the value of 22 may be in error, and she suggested that this question be raised in the applicant's next response.

Please proceed to the next page.